

Imperial County Pesticide Use Enforcement Work Plan
Calendar Years 2011, 2012, and 2013

County Program:

The Imperial County Agricultural Commissioner's Pesticide Use Enforcement Work Plan has been developed using the California Department of Pesticide Regulation (CDPR) Enforcement Letter, ENF 08-18, Pesticide Use Enforcement Program Planning and Evaluation Guidance. This document identifies core program priorities, available resources, and staffing availability. Each program component will be evaluated on a quarterly basis to assess performance success, address any program deficiencies, and make necessary adjustments to successfully accomplish stated goals.

Program Highlights/Accomplishments:

Community/Public Outreach:

Targeted Groups – Fieldworkers

Work with local and state Task Forces to identify information and needed training, assist in educating target group on knowledge of pesticide effects, safety and incident reporting.

Schools –

Reach the school age children on the importance of the proper use and safety of the use of pesticides in the environment and for safety

Farmer's Market –

Community outreach at our local Farmer's Markets and other County wide public events such as markets, fairs, parades, celebrations, and the like.

Industry Outreach:

Seminars for permit holders, applicators and agricultural workers; support the industry in stressing regulatory requirements and compliance.

Expected Program Changes:

Due to continuing staffing shortages, inspection frequency will be monitored closely and adjusted to address availability of inspectors.

County Resources:

Personnel

- 1 - Deputy Commissioner - 100%
- 1 - Agricultural Biologist IV - 100%
- 5 - Agricultural Biologists III - 90% (10% is utilized in other programs)
- 1 - Clerical Position - 100%

Assets:

Each inspector has a vehicle for his/her exclusive use.

IMP CAC uses the Permitting/Use Reporting program to AgGIS/Permit6 and will continue to utilize Data Flex based RMPP software to query the older data bases for statistics and public information searches.

In mid-2011 IMP CAC will implement the training and use of the new PPUR permit system. This system will streamline the PUR system to be more efficient.

IMP CAC has six (5) dedicated workstations for issuing restricted materials permits, connected to a dedicated server for pesticide use enforcement.

All inspectors have PCs available to access email and Internet access to DPR and pesticide label websites.

IMP CAC has one (1) district office in Brawley, California, which is open on a limited-hours basis for acceptance of permit applications, amendments and registrations. A satellite office in Winterhaven, California is open on the last Tuesday of each month and on an "as needed" basis. Inspectors schedule time to make targeted and random inspections in that area on a monthly basis.

Expected Workload: (actual 2009 and 2010)

Restricted Materials Permits:

(2009 = 1305 2010 = 1263) 2011- 2013 = 1300 annually

Notices of Intent Approved:

(2009 = 4138 2010 = 4218) 2011 - 2013 = 4150 annually

Non-Restricted Operator IDs:

(2009 = 62 2010 = 88) 2011- 2013 = 75 annually

Local Program Issues/Level-of-effort required for implementation:

We are currently short 2 biologist staff. Budgetary and recruitment issues may prevent us from filling vacancies in the near future. Available staff time will be

focused on core programs [Restricted Materials Permitting, Compliance Monitoring, Enforcement Response], with the remaining time allotted to other enforcement programs, training and outreach.

All local Imperial County Environmental Task Force, California Border Environmental Task Force, Border 2012 California/Baja California Waste and Enforcement Task Force, and CA/Baja Pesticide Surveillance Task Force Meetings are attended by the Deputy Commissioner or the Supervising Agricultural Biologist IV of the Pesticide Use Enforcement Division. San Diego/Mexico meetings will be attended when staffing and travel budget allows.

Community Outreach pesticide safety projects to the public and field worker communities will be conducted when staffing and budget allows.

Core Program Priorities:

1. Restricted Materials Permitting – Permitting -

- Permits will be issued on a Fiscal Year basis (July - June), in keeping with local cropping patterns.
- Permits will be issued only to certified applicators (PACs, QACs, or QALs), or their certified designees.
- Staff will be given annual group training on the permit review process and consistent mitigation of sensitive sites.
- Permits will be effectively reviewed and issued/denied in a thorough and timely manner.
- Permit holders will be interviewed to ensure mitigation alternatives and site specific use practices have been considered.
- A more focused permit application and approval process is used for high priority pesticides and sensitive sites by requiring job permits and/or increased pre-application site monitoring.
- County wide Conditions of Use and mitigation measures specific to each use site are utilized as needed.
- The permit and all related documents, conditions and maps are personally reviewed with each permittee holder at the time the permit is issued. If the permittee is not the property operator, a letter of authorization is required. A summary of pesticide use regulations and requirements, record keeping, and worker safety regulations is reviewed and signed by the permittee and biologist prior to issuing the permit.
- Growers and Pest Control Advisers will be targeted at meetings and workshops to educate as to necessity and meaning of careful evaluation of sites and pesticides requested, in order to reduce the need to deny permit requests.

Site Evaluation -

- Permitted sites will be evaluated to ensure identification of all sensitive sites, including residential areas, schools, impacted crops, wetlands, waterways, livestock, and critical habitats of rare, endangered, or threatened species.
- Sensitive Sites: high priority sites will be identified and proposed mitigation measures reviewed to ensure appropriate environmental protection.
- All permitted sites must be on a map that includes potentially impacted areas and appropriate mitigation measures, which the permittee agrees to follow.
- A GIS based crop layering system will be utilized to identify sensitive sites and assist in the proper evaluation and mitigation of each site when such system is available.
- Sites that are near highly sensitive areas or include priority pesticides are specially noted on the permit or further separated by use of a special job permit.

Site Monitoring -

- Current identification of sensitive sites:
 - Occupied Structures
 - Ag/Urban interface
 - Schools & Day-care Centers
 - Waterways/Wetlands
 - Endangered species habitats
 - Fumigation sites
- All Notices of Intent will be reviewed and evaluated to ensure compliance with permit conditions and address any changes that might impact environmental or human health conditions.
- 5% or more of all approved NOI's will be evaluated through pre-application site evaluations. Pre-application monitoring of >5% of NOIs will identify potential problem areas or discrepancies and allow for correction or alternate mitigation measures prior to approval.
- Weekend and Holiday work will help in monitoring applications as well as hours that are adjusted to the industry work during respected seasons.

2. Compliance Monitoring -

Workload has increased substantially for completing all types of inspections and investigations. This is due to new regulations and additional information required on forms and more complicated procedures to ensure a thorough investigation. More time is being spent in: conducting inspections; filling out inspection forms, and required follow-ups on some inspections to gather information; investigation

procedures; and turn around time for investigative samples. Routine inspections often require the same extended resources and manpower to complete as inspections involving serious violations or special circumstances. To maximize the time and resources available to complete inspections, an effort will be made to target applications of more toxic pesticides and uses, which require special application conditions or methods. There will be a mixture of targeted (based on specific crop and application method, etc.) and random inspections.

Inspections –

The inspection numbers are similar to previous years. The percentages of each type of inspection are adjusted to reflect areas that have changed focus since last year. The large scale monitoring of pesticide applications provides an effective tool for observing many pesticide applicators and application types and methods. It provides a realistic assessment of day to day compliance and provides a consistent and uniform enforcement presence in the field.

Targeted Sites -

- Fumigation & chemigation sites
- Sites with history of complaints
- US/Mexico interface
- CA/AZ interface
- Imperial County/Riverside County interface
- Ag/Urban interface
- Growers handling highly toxic pesticides, restricted pesticides, or, applying large amounts of pesticides.
- Applicators with poor violation history and/or pesticide episode occurrence.
- Growers that have no history of inspection or audit for the last two years.
- Organic Growers
- Farmer's Markets

Random Sites –

- Inspectors will make inspections on an “as available” basis between targeted inspections and audits, in addition to specific assignments on general surveillance.

Anticipated Workload –

The numbers are based on 2010 calendar year and will be adjusted based on available staff.

General Pesticide Use Monitoring Inspections - 225/year (growers, PCBs, SPCBs)

Fumigation Inspections – 35/year (field, commodity, structural)

Field Worker Safety Inspections – 90/year

Pest Control Records Inspections - (16 PCBs, 42 growers, 9 dealers, 15 PCAs, 5 structural)

Pre-application Site Inspections – 370/ year

Deliverables –

Inspections will be completed following a comprehensive inspection plan. Biologists will be encouraged to identify and adopt time and cost saving methods when completing paperwork and follow-up inspections that are routine or have no, or minor non-compliances.

Record audits will be performed annually on all PCAs, PCOs, and Pesticide Dealers based in the county by appointment and unannounced inspections are done based on non-compliances and investigations as needed.

Record audits are conducted on 20 to 25 growers holding restricted materials permits each year by appointment on a rotating basis that prioritizes growers who handle large quantities of pesticides or highly toxic pesticides. Unannounced audits are done, as warranted, as a result of inspections with non-compliances, investigations, complaints, etc.

Pesticide use monitoring inspections are conducted randomly on all pesticide applicators, commercial or private, throughout the county and include weekend, night, and early morning hours, dictated by levels of pesticide applications during these periods.

Targeted monitoring is also done to address specific concerns relating to sensitive sites, specific pesticides or application methods and specific applicators. This type of inspection is rarely scheduled or announced.

Field Worker inspections are done in a similar manner.

Staff training will focus on appropriate and accurate completion of forms and consistency of inspection procedures.

Investigations: Investigations will be conducted on all pesticide related complaints and incidents. Respond to all complaints and investigate all episodes using DPR time frames and guidelines.

Anticipated Workload: for 2011-2013 based on 2010 statistics 32 investigations; 2 priorities

Goals-

Initiate complaint investigations in a timely manner and complete all non-priority and priority investigations. All pesticide related complaints and incidents will be promptly investigated. The extent of resources and manpower allocated to investigations will be determined by the level of seriousness or hazard associated with each case.

Develop and use investigation plans-- Investigative Procedures Manual will be utilized to identify elements and plan efficient and comprehensive investigations.

Thorough report preparation-- Manpower and resources will be used effectively and efficiently while ensuring that each investigation and written report is appropriate for the type and seriousness of the investigation.

Deliverables-

DPR's time frames for completing and submitting priority and non-priority reports will be followed.

Investigative planning, investigation techniques and evidence collection will be evaluated and chosen based on the specific nature of each case. DPR's procedures and guidelines are used as a reference and applied when applicable and appropriate.

Investigative reports are expected to be thorough, accurate and complete. Reports are expected to include any documented violations and reference to other applicable code sections or pesticide labeling information, which are pertinent to the investigation.

In the interest of promoting uniform and consistent investigation standards and enforcement responses, the identification of specific violations and recommendations of appropriate enforcement action will be made by the deputy after the investigation is completed and all evidence and information has been evaluated.

Staff training sessions to review changes in applicable codes and interpretations will be conducted, when necessary, to ensure consistency in investigation techniques.

Investigation reports will be reviewed and commented on by the lead biologist and the deputy before being finalized and signed by the investigator and the deputy.

3. Enforcement Response:

Anticipated Workload:

Historical Data:

~ 40/year: Compliance Actions (2009 –37, 2010 – 43)

~ 20/year: Enforcement Actions (2009 -16, 2010 – 18)

The number of enforcement actions in any given year is difficult to predict. The civil penalty process has become more formal and technical in nature over the years. This has lengthened the time needed to prepare actions and go through the hearing process.

Goals-

Compliance and/or enforcement actions will be taken for any documented violation. Decision reports will be completed and submitted to DPR, Southern Regional Office, for approval per the Enforcement Response Regulation requirements.

The current Enforcement Response Regulations will be utilized in making decisions on the most appropriate action.

Compliance and/or enforcement actions will be taken in a timely manner. The DPR Southern Regional Office, Anaheim will be notified of any case referrals to the District Attorney or other enforcement agencies.

Efforts will be directed at violations that pose the highest risk to people and the environment.

Deliverables-

Enforcement actions will be taken when appropriate and within the requirements of the Enforcement Response Regulations.

Each case will be evaluated on all relevant information; such as the type of violation, the evidence, the circumstances and the prior history of the respondent.

Timeliness has not been an issue with any of our enforcement actions. The most significant potential challenge would be from a substantial increase in the number of hearings requested.

Special attention is given to assuring that enforcement actions are fair, reasonable and justified and that notices of proposed actions are clear and concise.

Detailed information regarding the hearing process is also given to respondents so they are familiar with the process and how to prepare for it. This will hopefully minimize the need for hearings and streamline the process when they are requested.

Achieving effectiveness and efficiency in our civil penalty actions will be accomplished by concentrating on identifying significant violations through increased pesticide use monitoring of high-risk pesticides and highly sensitive sites as well as targeting areas with traditionally low compliance records. This focused monitoring will produce fewer inspection numbers, but will provide more opportunities to take enforcement action against the more significant violations and violators.

Imperial County Pesticide Use Enforcement
Work Plan for 2011, 2012, and 2013 Calendar Years

By
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